

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**March 17, 2003**

**IN RE:**

**PETITION FOR APPROVAL OF  
AMENDMENTS TO INTERCONNECTION  
AGREEMENT BETWEEN BELL SOUTH  
TELECOMMUNICATIONS, INC.  
AND BUSINESS TELECOM, INC.**

)  
)  
)  
)  
)  
)  
)

**DOCKET NO. 02-01308**

---

**ORDER APPROVING  
AMENDMENTS TO INTERCONNECTION AGREEMENT**

---

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on February 18, 2003 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the seventh set of amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Business Telecom, Inc.

The original agreement and first set of amendments thereto between these parties were filed on June 9, 2000 and were assigned Docket No. 00-00478. They were approved at a regularly scheduled Authority Conference on August 15, 2000. The second amendment was filed on December 14, 2000 under Docket No. 00-01111 and was approved at a regularly scheduled Authority Conference on February 21, 2001. The third set of amendments was filed on July 19, 2001 under Docket No. 01-00633 and was approved at a regularly scheduled

Authority Conference on September 25, 2001. The fourth amendment was filed on December 10, 2001 under Docket No. 01-01099 and was approved at a regularly scheduled Authority Conference on February 5, 2002. The fifth amendment was filed on May 3, 2002 under Docket No. 02-00504 and was approved at a regularly scheduled Authority Conference on July 23, 2002. The sixth amendment was filed on September 3, 2002 under Docket No. 02-00926 and was approved at a regularly scheduled Authority Conference on October 7, 2002. The seventh set of amendments, which is the subject of this docket, was filed on December 20, 2002.

Based upon a review of the seventh set of amendments, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The amendments are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of

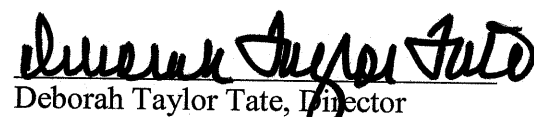
47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

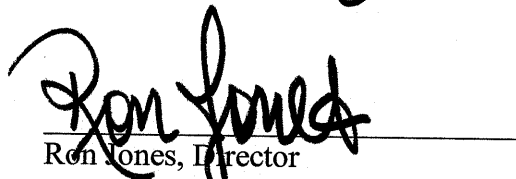
- 5) No person or entity has sought to intervene in this docket.
- 6) The amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the seventh set of amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Business Telecom, Inc. is approved and is subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
Deborah Taylor Tate, Director

  
Ron Jones, Director

---

<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B).